

§ 52.330

40 CFR Ch. I (7–1–14 Edition)

(2) 5 CCR 1001–5, Regulation 3, *Stationary Source Permitting and Air Pollutant Emission Notice Requirements*, Part A, *Concerning General Provisions Applicable to Reporting and Permitting*, Section I, *Applicability*, Section I.B.43, *Uncontrolled Actual Emissions*; effective June 30, 2004:

(i) The annual emission rate corresponding to the annual process rate listed on the Air Pollutant Emission Notice form, without consideration of any emission control equipment or procedures. The division may allow a source to forego calculating or estimating its uncontrolled actual emissions of hazardous air pollutants upon a showing by the source and a determination by the division that the creation of such data is unreasonably costly, technically impractical or not reasonably related to information necessary for making regulatory decisions with respect to that source. The division's final determination may be appealed to the commission by the source.

(f) On August 8, 2006, Dennis E. Ellis, Executive Director of the Colorado Department of Public Health and Environment, and on behalf of the Governor, submitted revisions to 5 CCR 1001–13, Colorado's Regulation Number 11—Motor Vehicle Emissions Inspection Program, part F, section III.A.2. These revisions removed from Colorado's Regulation Number 11 the light duty vehicle emission testing limits that went into effect on January 1, 2006 for 1996 and newer model year vehicles. These revisions were adopted on November 17, 2005, and became state-effective on January 30, 2006. The revised version of section III.A.2, as approved by EPA, reads as follows:

(1) The following emissions standards shall apply to those tests performed on model year 1996 and newer vehicles, on and after January 1, of the dates specified:

Calendar year	HC	CO	NO _x
2002	1.2	20	3.0
2003	1.2	20	3.0

[59 FR 64336, Dec. 14, 1994, as amended at 62 FR 2914, Jan. 21, 1997; 62 FR 68195, Dec. 31, 1997; 71 FR 8961, Feb. 22, 2006; 76 FR 51905, Aug. 19, 2011; 76 FR 61056, Oct. 3, 2011; 77 FR 75390, Dec. 20, 2012]

§ 52.330 Control strategy: Total suspended particulates.

(a) *Part D—Conditional Approval*: The Pueblo plan is approved assuming the State demonstrates by December 31, 1981, through air quality modeling, attainment of the 24-hour and annual standards, while considering emissions from all sources in the nonattainment area. In addition, the State must re-promulgate Regulation No. 1 to satisfy reasonably available control technology requirements in accordance with the following schedule:

(1) The Commission will consider and adopt for public hearing any changes or additions to Regulation No. 1 by February 15, 1981.

(2) The proposed regulations will be published in the Colorado Register by March 10, 1981.

(3) Public hearing will be held by May 14, 1981.

(4) Regulations will be approved with an effective date no later than July 1, 1981, and submitted to EPA by the same date.

[46 FR 26302, May 12, 1981]

§ 52.331 Committal SIP for the Colorado Group II PM₁₀ areas.

On April 14, 1989, the Governor submitted a Committal SIP for the Colorado Group II PM₁₀ areas. The SIP commits the State to continue to monitor for PM₁₀, report data and to submit a full SIP if a violation of the PM₁₀ National Ambient Air Quality Standards is detected.

[54 FR 43178, Oct. 23, 1989]

§ 52.332 Control strategy: Particulate matter.

(a) On April 9, 1992, the Governor of Colorado submitted the moderate PM–10 nonattainment area plan for the Canon City area. The submittal was made to satisfy those moderate PM–10 nonattainment area SIP requirements which were due for Canon City on November 15, 1991.

(b)(1) On February 24, 1992, and December 9, 1993, the Governor of Colorado submitted the moderate PM–10 nonattainment area plan for the Pagosa Springs area. The submittal was made to satisfy those moderate

PM-10 nonattainment area SIP requirements which were due for Pagosa Springs on November 15, 1991.

(2) On August 2, 1996, the Governor of Colorado submitted minor revisions to the Pagosa Springs Element of the Colorado PM-10 SIP.

(c) On May 27, 1993, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Lamar area. The submittal was made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Lamar on November 15, 1991.

(d) On December 9, 1993, the Governor of Colorado submitted PM₁₀ contingency measures for the moderate PM₁₀ nonattainment areas of Canon City, Lamar, and Pagosa Springs. The submittal was made to satisfy the moderate PM₁₀ nonattainment area requirements for contingency measures due for Canon City, Lamar, and Pagosa Springs on November 15, 1993.

(e)(1) On January 15, 1992, March 17, 1993, and December 9, 1993, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Aspen area. The submittals were made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Aspen on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM-10 contingency measure requirements which were due for Aspen on November 15, 1993.

(2) On March 13, 1995, the Governor of Colorado submitted minor revisions to the Aspen Element of the Colorado PM-10 SIP.

(f) On March 30, 1995, and November 17, 1995, the Governor of Colorado submitted the moderate PM₁₀ nonattainment area plan for the Denver area. The March 30, 1995 submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for the Denver PM₁₀ nonattainment area on November 15, 1991. The November 17, 1995 submittal was also made to satisfy the PM₁₀ contingency measure requirements which were due for Denver on November 15, 1993.

(g) On March 17, 1993, December 9, 1993, and April 22, 1996, the Governor of Colorado submitted the moderate PM₁₀ nonattainment area plan for Telluride.

The submittals were made to satisfy those moderate PM₁₀ nonattainment area SIP requirements which were due for Telluride on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM₁₀ contingency measure requirements which were due for Telluride on November 15, 1993.

(h) On September 16, 1997 the Governor of Colorado submitted the moderate PM₁₀ nonattainment area plan for Steamboat Springs. The submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements which were due for Steamboat Springs on July 20, 1995.

(i) On September 22, 1997, the State of Colorado submitted a maintenance plan for the Canon City PM10 nonattainment area and requested that the area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. An April 24, 2000 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, was sent to clarify the requirements of the contingency plan section of the Canon City maintenance plan. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(j) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM₁₀ nonattainment areas and requested that these areas be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(k) *Determination*—EPA has determined that the Steamboat Springs PM₁₀ “moderate” nonattainment area attained the PM₁₀ national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

(l) On July 30, 2001, the State of Colorado submitted a maintenance plan for the Denver PM₁₀ nonattainment area (“PM-10 Redesignation Request and Maintenance Plan For the Denver Metropolitan Area,” Chapter 4: “Maintenance Plan,” adopted April 19, 2001 by

the Colorado Air Quality Control Commission and effective April 19, 2001) and requested that the area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(m) On November 9, 2001, the State of Colorado submitted a maintenance plan for the Aspen PM₁₀ nonattainment area and requested that this area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(n) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Steamboat Springs PM₁₀ nonattainment area and requested that this area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfies all applicable requirements of the Clean Air Act.

(o) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Lamar PM₁₀ nonattainment area and requested that this area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(p) *Revisions to the Colorado State Implementation Plan*, PM₁₀ Revised Maintenance Plan for Denver, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor's designee on September 25, 2006. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(q) *Revisions to the Colorado State Implementation Plan*, PM₁₀ Revised Maintenance Plan for Cañon City, as adopted by the Colorado Air Quality Control Commission on November 20, 2008, State effective on December 30, 2008, and submitted by the Governor's designee on June 18, 2009. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(r) *Revisions to the Colorado State Implementation Plan*, PM₁₀ Revised Maintenance Plan for Aspen, as adopt-

ed by the Colorado Air Quality Control Commission on December 16, 2010, State effective on March 1, 2011, and submitted by the Governor's designee on May 25, 2011. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(s) *Revisions to the Colorado State Implementation Plan*, PM₁₀ Revised Maintenance Plan for Telluride, as adopted by the Colorado Air Quality Control Commission on November 19, 2009, State effective on December 30, 2009, and submitted by the Governor's designee on March 31, 2010. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

(t) *Revisions to the Colorado State Implementation Plan*, Final Revised PM₁₀ Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area, as adopted by the Colorado Air Quality Control Commission on November 19, 2009, and submitted by the Governor's designee on March 31, 2010. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

[58 FR 68038, Dec. 23, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.332, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 52.333–52.342 [Reserved]

§ 52.343 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met for the following categories of sources for preventing the significant deterioration of air quality:

- (1) Sources locating on Indian lands.
- (2) Sources locating on Indian Reservations.

(3) Sources which constructed prior to September 2, 1986 and which have not otherwise subjected themselves to Colorado's PSD permitting regulations after September 2, 1986, either through application to Colorado for a PSD permit (in the case of those sources which improperly constructed without obtaining a PSD permit) or through application to Colorado for a major modification to the source.

(b) Regulations for preventing significant deterioration of air quality.